

Traditional Leadership and Khoisan Bill hearings in Free State – Judas Iscariot selling out Rural Masses

By Constance Mogale- Alliance for Rural Democracy

The Free State Provincial hearings on the Traditional and Khoi-San Leadership Bill (TKLB) moved to Thabanchu today. These hearings are almost coming to an end and yet copies of the bill - except at the Mafikeng hearing, where a few copies were printed - are still not distributed, let alone translated into indigenous languages. The Chairperson of the Parliamentary Portfolio Committee committee, Mr Richard Mdakane, continued to emphasise that the TKLB is about Traditional Leaders.

The content advisor made their own presentation which highlights only the positive parts of the bill and hides the disadvantages. For example, the presentation does not highlight the fact that the President or the Premier can withdraw the recognition of a traditional leader.

Irrespective of the fact that there was less awareness work done in the Free State province in preparation for the hearing, the people of Thabanchu showed their intellectual wisdom. Oral submissions from elders of Thabanchu, in particular, Griquas, Bataung and Barolong, and others indicated their concerns regarding the Bill for the fact that it gives too much power to the political office.

Traditions and Customs cannot be mixed with politics, said one of the elders. The mentioning of branches and elections or subscriptions by the Khoisan communities shows that Khoisan communities and their leaders are treated differently, he said.

The King or Queenship matter was also highly debated. The dominating view was that daughters cannot inherit leadership. In his response to the point, Mr Mdakane told the meeting that Inheritance of chieftainship by female descendants is an unresolved matter. Instead of advising the meeting on the Constitutional stance, he publicly maintained a middle, fence-sitting position, telling people what he thought they wanted to hear

At the end of the hearing, Mdakane spent almost an hour motivating that the bill is a good start. He then gave a spokesman for the traditional leaders an opportunity to speak and the speaker on behalf of the Traditional Leaders moved for the acceptance of the bill.

The chairperson proceeded with a press statement outside, an indication that he was very pleased with the outcome of the hearings.

This move left many of us in the hall with more questions than answers. How political conscientized are our leaders in South Africa? Should political parties consider some political schools for their members of parliament? What Mdakane and his committee members failed to recognise was the fact that this Bill is very divisive, and it is a reversal of the hard-earned rural democratic rights

This controversial Bill, if passed into law, will replace all other pieces of legislations dealing with traditional affairs, such as the Traditional Leadership and Governance Framework Act of 2003. The Traditional Leadership and Governance Framework Act of 2003 was highly contested by lobby

groups because of section 28 which deals with Transitional arrangements, as well as section 29 dealing with remuneration.

This controversial Act connected well with the then Communal Land Rights Act (CLARA) of 2004, which was successfully challenged at the Constitutional Court, and the Traditional Courts Bill which was defeated by five provinces that voted against it in the National Council of Provinces (NCOP) in 2009. Now we have the Traditional and Khoi-San Leadership Bill, which claims to recognise Khoi-San communities and their leaders and to incorporate them into existing structures of traditional leadership in South Africa.

The TLFGA gave Traditional leaders power to control and administer all land in the former Bantustans and within their old tribal boundaries, as contemplated by the Black Administration Act of 1951, yet the content advisor of the Portfolio committee on Cooperative Governance (COGTA) denied that the Traditional and Khoi-San Leadership Bill is based on apartheid boundaries.

He publicly criticised the summary fact sheet distributed at hearings by the Land and Accountability Research Centre, LARC. But he could not undermine its accuracy.

I almost felt pity for him, but then I thought there is either a deliberate move to mislead the public into accepting this Bill or we are just governed and led by ignorant people. I was always taught that as a leader and role model, I should always KNOW, or stay informed for me to be able to lead and guide the public, and we expect Government officials to know this issues.